EXHIBIT 3

Page 1

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

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5   )

   ORACLE AMERICA, INC.,   )

6   )

           Plaintiff,   )

7   )

        vs.   )Case No.:

8   )3:10-cv-03561-WHA

   GOOGLE, INC.,   )

9   )

           Defendant.   )

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14   VIDEOTAPED DEPOSITION OF DOUGLAS SCHMIDT, Ph.D.

15   San Francisco, California

16   Friday, March 4, 2016

17   Volume 1

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23   Reported by:

     RACHEL FERRIER, CSR No. 6948

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25   Job No. CS2265293

1   place that I worked with experts was from a place called

2   Keystone.

3   Q   And who -- who are these experts that you worked

4   with from Keystone?

5   A   So I don't remember everybody's name, but there

6   were a few people. Rohit Chatterdee -- Chatterjee is

7   one, and Greg Richards is another, and Anon -- I never

8   can remember his last name -- he was one.

9   Q   Were there any more besides those three?

10   A   Those -- those are the main ones I worked with.

11   Q   Craig Richardson, you said?

12   A   No. Greg Richards.

13   Q   Oh, Greg Richards. Thank you.

14   And you said the team of experts that you worked

15   with came -- well, my understanding is there were other

16   experts besides those from Keystone; is that correct?

17   MR. RAMSEY: Objection; form.

18   THE WITNESS: I don't quite understand the

19   question.

20   MR. KAMBER: Sure.

21   Q   I -- I thought you said before that you met with

22   different teams of experts and that one of those teams

23   was from Keystone?

24   A   Oh, I don't know where all the experts were from.

25   Q   What other -- besides the three names that you

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1   just provided me from Keystone, did you meet with any

2   other experts in preparation for your deposition today?

3   A   In preparation for the deposition today. So I

4   think there was one other person from Keystone.

5   Q   But you don't remember that person's name?

6   A   No.

7   Q   Have you been working with Keystone throughout

8   this -- your involvement in this litigation?

9   A   So my involvement in the litigation started

10   around the end of November in 2015, and they are the

11   ones who hired me.

12   Q   Have you worked with any of the Keystone folks

13   before?

14   A   No.

15   Q   And what were these -- what was this team of

16   experts from Keystone doing for -- to help you for

17   purposes of this litigation?

18   A   So, as you can imagine, there's a lot of

19   different things that went into my various reports, and

20   so they helped out with some of the aspects, under my

21   direction, in order to be able to do certain things like

22   create tables or be able to do various kinds of

23   experiments and so on, under my direction.

24   Q   With respect to the experiments that were done --

25   well, I guess, perhaps, as we go through your report, we

1 materials considered from any of the three reports?

2   A   Yes.

3   Q   Which documents?

4   A   So I went through the expert reports from some of

5 the Google experts and read various documents that they

6 cited in their reports.

7   Q   Did you review the reply reports provided by

8 Google's experts?

9   A   I reviewed several of them, one in particular.

10   Q   Which one?

11   A   The one by Dr. Astrachan.

12   Q   Did you review Mr. Hall's reply report?

13   A   No.

14   Q   Having reviewed Dr. Astrachan's reply report,

15 does it change your opinions in any way?

16   A   The opinions in my report?

17   Q   Yes.

18   A   I've done some additional investigation based on

19 some of the material in his report, but it hasn't

20 changed my opinions.

21   Q   What investigation have you done in response to

22 seeing Dr. Astrachan's reply report?

23   A   I looked more carefully at the relationship

24 between Java SE and Java ME.

25   Q   And what -- what, in particular, did you look at

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1   with respect to the relationship between Java SE and

2   Java ME?

3   A   The degree of overlap between the declaring code.

4   Q   What degree of overlap did you find in terms of

5   declaring code between Java SE and Java ME?

6   A   So for the 37 copied API packages in question in

7   the case, it's my understanding that there's roughly 800

8   classes and interfaces. I think the exact number might

9   be something like 792, but it's -- it's around that --

10   that number.

11   And so I went and looked at Java ME and looked at

12   the number of classes that were in this so-called

13   connected device configuration, or the CDC, and found

14   that there was a large amount of overlap between the

15   declaring code that was in the 37 API packages and

16   what's in Java ME CDC.

17   Q   When you say a large degree of overlap, can you

18   be more specific in terms of the -- the quantification?

19   A   Sure.

20   So there's roughly 200 -- 300, 296-ish classes

21   and interfaces that are part of the Java ME CDC, and of

22   those number, I believe it's something on the order of

23   290, 291 are the same classes and interfaces that are in

24   the 37 copied API packages. And of the 291, it's --

25   it's my understanding, after analyzing the declaring

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1 code similarities, that there's roughly 277 of those --

2 of the classes with the same declaring code as -- as in

3 the 37 copied API packages, roughly, give or take.

4   Q   Based on the analysis that you did, are the --

5 are these classes in Java ME organized by way of the

6 same structure, sequence, and organization as in

7 Java SE?

8   A   Yes. The declaring code of the two is -- is the

9 same.

10   Q   So the -- to -- to shorthand this, the SSO of the

11 declaring code that you found to be in common between

12 Java SE and Java ME is the same?

13   A   That's my understanding, yeah, based on the

14 analysis that I did.

15   Q   And did you do that analysis, or was it done for

16 you by somebody from Keystone?

17   A   So I did it in conjunction with someone at

18 Keystone.

19   Q   Who at Keystone did -- helped you with that

20 analysis?

21   A   I believe that was Anon.

22   Q   Have you spoken with any Oracle employees in

23 connection with this case?

24   A   Yes.

25   Q   Which Oracle employees?

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4   I, the undersigned, a Certified Shorthand

5   Reporter of the State of California, do hereby certify:

6   That the foregoing proceedings were taken before

7   me at the time and place herein set forth; that any

8   witnesses in the foregoing proceedings, prior to

9   testifying, were placed under oath; that a verbatim

10   record of the proceedings was made by me using machine

11   shorthand which was thereafter transcribed under my

12   direction; further, that the foregoing is an accurate

13   transcription thereof.

14   I further certify that I am neither financially

15   interested in the action nor a relative or employee of

16   any attorney or any of the parties.

17   IN WITNESS WHEREOF, I have this date subscribed

18   my name.

19

20   Dated: March 7, 2016

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23   _____

24   RACHEL FERRIER

25   CSR No. 6948